

The Plaintiff brings this action pursuant to 42 U.S.C. § 1983 against the City of Asheville; Gary Jackson, the City Manager for the City of Asheville; Tammy Hooper, the Chief of Police for the Asheville Police Department (“APD”); APD Detective Evan Flanders; and “Jane Doe” and “John Doe,” (collectively, “Doe Defendants”), who were both identified as APD officers. [Docs. 15, 21]. On May 4, 2017, the Plaintiff filed a motion for an extension of time within which to serve summonses on the Doe Defendants. [Doc. 4]. On May 31, 2017, the Court granted the Plaintiff an additional 120 days to identify and serve the Doe Defendants. [Doc. 8].

The Plaintiff filed a Second Amended Complaint on October 16, 2017. [Doc. 21]. On November 6, 2017, the Plaintiff filed a motion seeking to compel the named Defendants to identify the Doe Defendants. [Doc. 22]. The Magistrate Judge denied the Plaintiff's motion on January 30, 2018. [Doc. 29].

To date, there is nothing in the record to indicate that the Plaintiff has identified and/or served either of the Doe Defendants. Rule 4(m) of the Federal Rules of Civil Procedure provides, in pertinent part, as follows:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

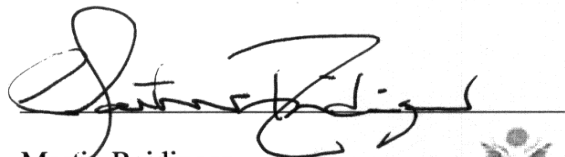
Fed. R. Civ. P. 4(m).

The Plaintiff is hereby placed on notice that unless good cause is shown to the Court for his failure to effect service of the Summons and Complaint on the Doe Defendants within fourteen (14) days from service of this Order, the Plaintiff's action against these Defendants shall be dismissed without prejudice without further order.

IT IS, THEREFORE, ORDERED that the Plaintiff shall show good cause within fourteen (14) days of service of this Order for the failure to effect service on the Doe Defendants. Failure of the Plaintiff to respond in writing within fourteen (14) days shall result in a dismissal without prejudice of these Defendants without further order of the Court.

IT IS SO ORDERED.

Signed: February 14, 2018


Martin Reidinger
United States District Judge

